

6-28-04

Atty. Docket No.: 05001.1012

3621
#165



PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Charles Eric Hunter

Confirmation No.: 7280

Group Art Unit: 3621

Serial No.: 09/476,078

Examiner: Charles Loyd Hewitt II

Filed: 12/30/1999

Docket No. 05001.1012

For: **Video and Music Distribution System**

PETITION TO WITHDRAW HOLDING OF
ABANDONMENT UNDER 37 CFR 1.181

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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JUL 1 - 2004

GROUP 3600

Sir:

Pursuant to 37 CFR 1.181, Applicant hereby petitions for withdrawal of the holding of abandonment because the present application is not, in fact, abandoned.

Applicant respectfully submits that the Notice of Abandonment mailed April 6, 2004 was submitted in error and, therefore, the present application is not, in fact, abandoned because the reason cited for the alleged abandonment -- failure to timely file a reply to the Office Action dated July 2, 2003 -- is not correct. In support of this contention, Applicant encloses the following documentation as evidence that Applicant timely filed a fully-responsive reply to the Office Action dated July 2, 2003:

- (1) copy of the Office Action in question - dated July 2, 2004;
- (2) copy of Applicant's facsimile transmittal of December 31, 2004, which included a fully-responsive and timely-filed response to the Office Action and a facsimile confirmation sheet;

- (3) copy of the improperly submitted Notice of Abandonment dated April 4, 2004;
and
- (4) copy of Applicant's facsimile transmittal of May 24, 2004 to Examiner John Hayes, which included items (2) and (3) above.

Accordingly, Applicant respectfully requests that the improper holding of abandonment be withdrawn.

CONCLUSION

For at least the reasons set forth above, Applicant respectfully requests that the holding of abandonment be withdrawn and that prosecution for the present application be reopened. Furthermore, as indicated in Applicant's response and amendment of December 31, 2003, all pending claims are patentable over the prior art of record. Accordingly, Applicant respectfully requests that, when prosecution is reopened, all pending claims be allowed. If, in the opinion of the Examiner, a telephonic conference would expedite the allowance of this case, the Examiner is invited to call the undersigned attorney at (770) 804-9080.

Respectfully submitted,



Adam E. Crall, Reg. No. 46,646

LAVA GROUP LAW BY SMITH & FROHWEIN
P.O. Box 88148
Atlanta, Georgia 30356
(770) 804-9080

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on JUNE 25, 2004.



Signature



8159.1.02

REC/MED

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,078	12/30/1999	Charles Eric Hunter	WT-1-CIP2	7280

7590 04/06/2004

FINNEGAN HENDERSON FARABOW
GARRETT & DUNNER LLP
1300 I STREET N W
WASHINGTON, DC 20005-3315

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EXAMINER	
HEWITT II, CALVIN L	
ART UNIT	PAPER NUMBER
3621	

APR - 8 2004

DATE MAILED: 04/06/2004

FINNEGAN, HENDERSON, FARABOW,
GARRETT AND DUNNER, LLP

Please find below and/or attached an Office communication concerning this application or proceeding.

TRANSFERRED

✓ 109
4/8/04

Notice of Abandonment

Application No.

09/476,078

Examiner

Calvin L Hewitt II

Applicant(s)

HUNTER, CHARLES ERIC

Art Unit

3621

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 12/1/83
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Examiner called attorney of record. Attorney said the case was transferred to a new office. No further forwarding information was given.


JOHN W. HAYES
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

**Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01**

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,078	12/30/1999	Charles Eric Hunter	WT-I-CIP2	7280

7590 07/02/2004

FINNEGAN HENDERSON FARABOW
GARRETT & DUNNER LLP
1300 I STREET N W
WASHINGTON, DC 20005-3315

EXAMINER

HEWITT II, CALVIN L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 07/02/2004

#10

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

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Commissioner of Patents and Trademarks

The ~~holding~~ abandonment mailed 4-6-04, has been withdrawn. The above-mentioned patent application has been returned to pending status.

Any inquiry concerning this communication should be directed to Jackie Waldo, Head, Supervisory Legal Instrument Examiner, whose number is 703-308-3902.


Effie Adams, Supervisory Legal
Instrument Examiner, TC 3600



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/476,078	
	Filing Date	December 30, 1999	
	First Named Inventor	Charles Eric Hunter	
	Art Unit	3621	
	Examiner Name	Calvin Loyd Hewitt II	
Total Number of Pages in This Submission	62	Attorney Docket Number	05001.1012

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ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	(1) Petition to Withdraw Holding of Abandonment (3 pages); and
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	(2) Documents supporting petition (58 pages)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	LAVA Group Law by Smith & Frohwein Adam E. Crall, Reg. No. 46,646
Signature	
Date	June 25, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Adam E. Crall, Reg. No. 46,646		
Signature		Date	June 25, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,078	12/30/1999	Charles Eric Hunter	WT-1-CIP2	7280

7590

07/02/2003

FINNEGAN HENDERSON FARABOW
GARRETT & DUNNER LLP
1300 I STREET N W
WASHINGTON, DC 20005-3315

EXAMINER

HEWITT II, CALVIN L

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 07/02/2003

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JUL 07 2003

FINNEGAN, HENDERSON, FARABOW,
GARRETT AND DUNNER, LLP

Docketed 7/7/03 Attorney REC/MED
Case 8159-1-D2
Due Date 10/2/03 W/EXT
Action RESP DUE
By BG

Office Action Summary



Application No.

09/476,078

Examiner

Calvin L Hewitt II

Applicant(s)

HUNTER, CHARLES ERIC

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Status of Claims

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-21, 23, 26 and 27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schulhof et al., U.S. Patent No. 5,572,442.

As per claims 1-21, 23, 26 and 27, Schulhof et al. teach a method for distributing music comprising:

- blanket transmitting, at faster than real time speeds, simultaneously a plurality of music selections to a plurality of customer households for receipt on a plurality of inputs (figures 1 and 5-7; column 5, lines 50-60)
- a first interface enabling at least one customer to preselect and record transmitted music selections in a read/write storage medium (e.g. read/write CDs, magneto-optical disks, digital tape) (abstract;

figures 1, 4, and 6; column 5, lines 6-20 and 50-67; column 7, lines 5-53; column 8, lines 60-67; column 12, lines 54-67)

- a second interface permitting the customer to select recorded music for unrestricted playback (figures 1, 4, and 6; column/line 4/48-5/20; column 5, lines 50-67; column 7, lines 5-53; column 9, lines 20-26)
- communicating unrestricted playback selection information to a central controller, via satellite, cable,...etc., and billing the customer for the selected unrestricted playback (column/line 4/48-5/20; column 6, lines 24-52; column/line 7/54-8/2; column 9, lines 20-26; column 10, lines 42-65)
- selection information that includes availability, scheduling and price data (column 5, lines 60-64; column 7, lines 27-33 and 45-53; column/line 7/61-8/4; column 9, lines 26-38)
- an interactive guide, via a display device, to allow users to make content selections, and select functions to playback and record content (abstract; figures 1-4, 6 and 7; column 7, lines 27-53; column/line 9/65-10/15; column/line 11/65-12/10; column 12, lines 54-67; column 13, lines 10-28; column 14, lines 18-26 and 39-55)
- receiving and decoding musical selections and storing decoded selections and associated information in a digital data storage

device for temporary storage (figures 2, 3 and 7; column 9, lines 26-38; column 12, lines 10-18 and 29-67)

- accessing the content over the internet link to a website or phone line connection (figure 1; column 7, lines 35-52)
- allowing users to access content one or more times on a no-charge basis prior to permanently selecting the content (column 9, lines 27-37)
- generating a permanent enabling code for inclusion with the permanent recorded music selections to enable unrestricted playback (column 9, lines 27-37)
- communicating with a broadcast satellite up-link facility, operating in the KU or other suitable frequency bands, via a central controller, and transmitting program/pricing information to the broadcast facility on a periodic basis (figures 5 and 7; column 6, lines 24-52)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22, 24, 25 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulhof et al., U.S. Patent No. 5,572,442.

As per claims 22, 24, 25 and 28-30, Schuloff et al. teach a system for transmitting audio content to a plurality of users, where users can record and playback content using a plurality of interfaces, and are billed for using the content distribution service (figures 1 and 4-7; column/line 4/48-5/67; column 6, lines 24-34; column/line 7/54-8/2). Schuloff et al. do not specifically recite using DVD-RAM to record content. However, Schuloff et al. teach that digital, optical, magnetic or other high density, high capacity can be used. Therefore, it would have been obvious to one of ordinary skill to use DVD-RAM for portable storage (column 4, lines 55-67; column 8, lines 59-67; column 12, lines 54-64). Similarly it would have been obvious to one of ordinary skill to store a plurality of disks with content recorded thereon.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
- Lowell teaches an system for downloading content over the internet
 - Logan et al. teach a system for automatically downloading content by using a preselected segment to identify the content to be downloaded and storing content in RAM
 - Payton teaches content on demand

- Wolfe et al. teach music on demand from the internet
- Wiser et al. teach an online music distribution system

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
c/o Technology Center 2100
Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and after-final communications),

or:

(703) 746-5532 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5,

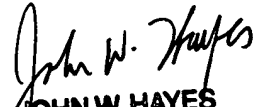
2451 Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)

308-1113.

Calvin Loyd Hewitt II

June 24, 2003


JOHN W. HAYES
PRIMARY EXAMINER

12/C
7-02-04
mel

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Hunter.

Serial No.: 09/476,078

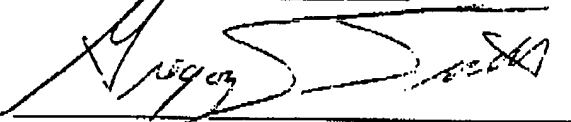
Filed: December 30, 1999

Title: VIDEO AND MUSIC
DISTRIBUTION SYSTEMS

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§
§
§

Group Art Unit: 3621
Examiner: Hewitt II, Calvin L
Atty. Docket #: 05001.1012

I hereby certify that this paper is being
Transmitted by facsimile on the date
indicated below
Date of Deposit: December 31, 2003



Signature Gregory Scott Smith, Reg. No. 40,819

AMENDMENT AND RESPONSE TO OFFICIAL ACTION,
REQUEST FOR 3 MONTH EXTENSION OF TIME,
APPOINTMENT OF NEW POWER OF ATTORNEY

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Applicant submits the following amendments to the application along with the included remarks and a request for a three (3) month extension of time. Presently, claims 1-30 are pending in the application with all of the claims having been rejected. In this action, the applicants amend claims 1, 10, 19, 26, 27 and 28 to more precisely identify the claimed invention, cancel claim 30 and add new claim 31.

Attorney Docket Number 15001.1010

Appointment of Power of Attorney

The applicants hereby notify the Office of a change in attorney, docketing number and correspondence address. Please enter this information into your records. This request includes the following items:

(a) A Revocation and Appointment of Attorney with New Power of Attorney and Change of Correspondence Address – PTO/SB/82; and

(b) A Statement Under 37 CFR 3.73(b) indicating the chain of title – PTO/SB/96.

Please change the docket number for this case to:

05001.1012

Please change the correspondence address to:

**Lava Group Law by Smith & Frohwein
P.O. Box 88148
Atlanta, Georgia 30356**

Attorney Docket Number 13001.1010

Extension of Time

Pursuant to 37 C.F.R. § 1.136, Applicant hereby petitions for an extension of time of (3) three months, extending the time for responding to Official Action to January 2, 2004.

This petition includes the following items:

- (1) Petition for Extension of Time Under 37 CFR 1.136(a) – PTO/SB/22 (2 copies)
- (2) PTO Fee Transmittal Form for FY 2004 – PTO/SB/17
- (3) Credit Card Payment Form – PTO-2038

The statutory fee for the three month extension of time is \$475.00 for a small entity.

Amendments

Please amend the claims as follows:

Claim 1. (currently amended) A method of distributing music to customer households comprising the steps of:

blanket transmitting simultaneously a plurality of music selections to a plurality of customer households for receipt on a plurality of inputs;

providing at least one customer household with information identifying available music selections that will be transmitted;

enabling the at least one customer household to preselect and record transmitted music selections in a storage medium;

CI permitting the at least one customer household to select previously recorded music selections for unrestricted playback;

communicating unrestricted playback selection information regarding previously recorded music selection from the at least one customer household to a central controller system; and

billing the at least one customer household for the recorded music selections that are selected for unrestricted playback.

Claim 2. (previously presented) The method for distributing music as claimed in claim 1, wherein said transmitting step includes transmitting digital music content at data transmission rates faster than real time.

Claim 3. (previously presented) The method for distributing music as claimed in claim 1, wherein said information includes music selection content availability, scheduling and content pricing data.

Claim 4. (previously presented) The method for distributing music as claimed in Claim 3, wherein said enabling step includes providing an interactive program guide via a display device for enabling customers to select available digital music content and select functions for recording said music content and functions for playing back recorded music content.

Claim 5. (previously presented) The method for distributing music as claims in Claim 4, further comprising the steps of: receiving and decoding transmitted music selection and associated information and storing decoded music selections and associated information in a digital data storage device for temporary storage thereof.

Claim 6. (previously presented) The method for distributing music as claimed in Claim 5, further comprising the step of providing remote access to said decoded content availability, scheduling and content pricing data, said remote access including a direct Internet access link to a website of the content provider or via phone line connection.

Claim 7. (previously presented) The method for distributing music as claimed in Claim 6, further including the step of enabling a customer to listen to decoded and stored music selections one or more times on a no-charge basis prior to permanently selecting said recorded music selection that the customer desires to maintain for unrestricted playback.

Claim 8. (previously presented) The method for distributing music as claims in Claim 7, further including the step of generating a permanent enabling code for inclusion with said permanent recorded music selections to thereby enable unrestricted playback.

C1
Claim 9. (previously presented) The method for distributing music as claims in Claim 1, wherein said broadcasting transmission system includes a direct broadcast satellite (DBS) system, said transmitting step comprising: scheduling and transmitting encoded music content to a direct broadcast satellite up-link facility via said central controller, said means additionally transmitting program/pricing information to said up-link facility on a periodic basis.

Claim 10. (currently amended) A system for distributing music to customer households comprising: ~~the steps of:~~

a transmission means for operable to:

simultaneously blanket transmitting a plurality of music selections and information identifying available music selections to a plurality of customer households; and

providing at least one customer household with information identifying available music selections that will be transmitted;

a computer-based recording, storage and playback station at the least one customer household, said station comprising:

means enabling the at least one customer household to preselect and record transmitted music selections in a storage medium;

means for receiving simultaneous transmission of multiple music selection on a plurality of inputs and for recording the received music selections in a storage medium;

means enabling the customer to select previously recorded music selections for unrestricted

playback; and

means for communicating unrestricted playback selection information regarding previously recorded music selection from the at least one customer household to a central controller system; and

a billing system associated with the central controller system to bill the at least one customer household for the recorded music selections that are selected for unrestricted playback.

Claim 11. (previously presented) The system for distributing music as claimed in Claim 10, wherein said transmission means includes direct broadcast satellite (DBS) system.

Claim 12. (previously presented) The system for distributing music as claimed in Claim 11, wherein said transmission means transmits digital music content at a data transmission rates faster than real time.

Claim 13. (previously presented) The system for distributing music as claimed in Claim 11, wherein said information includes music selection content availability, scheduling and content pricing data.

Claim 14. (previously presented) The system for distributing music as claimed in Claim 13, wherein said means permitting the customer household to preselect desired transmitted music selections for recording includes interactive means providing a program guide via a display device for enabling customers to select available digital music content, said interactive means further enabling the customer to select functions for recording said music content and functions for playing back recorded music content.

Claim 15. (previously presented) The system for distributing music as claimed in Claim 13, wherein said computer-based recording, storage and playback station further comprises a decoder device for receiving and decoding transmitted music selections and associated information and storing decoded music selections and associated information in a digital data storage device for temporary storage thereof.

Claim 16. (previously presented) The system for distributing music as claimed in Claim 13, further comprising means enabling remote access to said decoded content availability, scheduling and content pricing data, said remote access including a direct Internet access link to a website of the content provider or via phone line connection.

Claim 17. (previously presented) The system for distributing music as claimed in

Claim 14, wherein said storage medium includes on selected from the group comprising: a read/write CD's, write only CD's, DVD RAM, magneto-optical disc, and digital tape, said means for recording including a device having a write/read mechanism for recording and playback of music content thereof.

Claim 18. (previously presented) The system for distributing music as claimed in Claim 15, further including means enabling a customer to listen to decoded and stored music selections one or more times on a no-charge basis prior to permanently selecting said recorded music selections that the customer desires to maintain for unrestricted playback.

Claim 19. (currently amended) The system for distributing music as claimed in Claim 18, further including means for generating a permanent enabling code ~~in~~that is provided subsequent to the recording of music selections that operates in cooperation with~~for inclusion with~~ said permanent recorded music selections to thereby enable said unrestricted playback.

C1 Claim 20. (previously presented) The system for distributing music as claimed in Claim 16, further including means for scheduling and transmitting encoded music content to a direct broadcast satellite up-link facility via said central controller, said means additionally transmitting program/pricing information to said up-link facility on a periodic basis.

Claim 21. (previously presented) The system for distributing music as claimed in Claim 11, wherein said direct broadcast satellite transmission operates in the KU Band of signals frequency communication, or other suitable frequency bands.

Claim 22. (previously presented) The system for distributing music as claimed in Claim 11, wherein said means for recording desired music selections in a storage medium direct includes a multiple disc platter for storing multiple disks each comprising recorded stored multimedia content.

Claim 23. (previously presented) The system for distributing music as claimed in Claim 11, wherein said computer-based recording, storage and playback station further includes digital content/programming transmission links including one or more selected from the group comprising: cable, optical fiber, DSL and Internet connections.

Claim 24. (previously presented) The method of claim 1, wherein the transmitted music is recorded on DVD RAM.

Claim 25. (previously presented) The system of claim 10, wherein the means for

recording comprises DVD RAM.

Claim 26. (currently amended) A method of distributing music to customer households comprising the steps of:

blanket transmitting at faster than real time speeds a plurality of music selections to a plurality of customer households;

providing at least one customer household with information identifying available music selections that will be transmitted;

enabling the at least one customer household to preselect and record transmitted music selections;

permitting the at least one customer household to select previously recorded music selections for unrestricted playback;

communicating unrestricted playback selection information regarding the previously recorded music selections from the at least one customer household to a central controller system; and

91 billing the at least one customer household for the recorded music selections that are selected for unrestricted playback.

Claim 27. (currently amended) A system for distributing music to customer households comprising the steps of:

a transmitter blanket transmitting, at faster than real time speeds, a plurality of music selections and information identifying available music selections to a plurality of customer households;

a computer-based recording, storage and playback station at at least one customer household, said station comprising:

a first interface enabling the customer to preselect, from the transmitted availability information, available music selections for recording;

a recording module recording transmitted music selections in a storage medium;

a second interface enabling the customer to select previously recorded music selections to maintain for unrestricted playback; and

an output communicating unrestricted playback selection information from the user station to a central controller system; and,

a billing system associated with the central controller system to bill the at least one customer household for the recorded music selections that are selected for unrestricted playback.

Claim 28. (currently amended) A method of distributing music to customer households comprising the steps of:

blanket transmitting a plurality of music selections to a plurality of customer households;

providing at least one customer household with information identifying available music selections that will be transmitted;

enabling the at least one customer household to preselect and record transmitted music selections on DVD-RAM;

permitting the at least one customer household to select previously recorded music selections for unrestricted playback;

C1 communicating unrestricted playback selection information from the at least one customer household to a central controller system; and

billing the at least one customer household for the recorded music selections that are selected for unrestricted playback.

✓ Claim 29. (canceled).

Claim 30. (previously presented) The system of claim 29, wherein the recording module further comprises a multidisk DVD RAM platter.

Claim 31. (new) A user station for enabling unrestricted playback of previously recorded music selections, the system comprising the components of:

a first interface enabling the customer to select previously recorded music selections to maintain for unrestricted playback;

C2 a second interface for communicating unrestricted playback selection information from the user station to a central controller system and for receiving enabling information for enabling unrestricted playback of the previously recorded music selections; and

a billing system associated with the central controller system to bill the customer associated with the user station for the recorded music selections that are selected for unrestricted playback.

Remarks

The applicant has amended the claims and added a new claim in response to the Official Communication. The applicant submits that the amended claims are in condition for allowance. The applicant requests the Office to review the amended claims and new claim 31 in view of the following remarks and respectfully requests the Office to move this case towards allowance.

Paragraph 1 does not require a response.

In paragraph 2, the Office has rejected claims 1-21, 23, 26 and 27 under 35 U.S.C § 102(b) as being clearly anticipated by U.S. Patent Number 5,572,442 to *Schulhof* et al. The applicants submit the following argument in the traversal of this rejection.

The Office alleges that *Schulhof* teaches a second interface permitting the customer to select recorded music for unrestricted playback. However, in actuality, *Schulhof* teaches a method for selecting music that has yet to be recorded and identifying the type of usage for that selection prior to downloading and recording the music. This is most evident in the fact that the downloaded selections in *Schulhof* include information in the header identifying the type of usage allowed for the selection. Col. 9 lines 18-25. This is not the same as allowing a user to select an already recorded music selection as one that will be used for unrestricted playback and communicating this information to a central controller. The Office should appreciate that the technology required in implementing the present invention in comparison to *Schulhof* is quite different. In the present invention, content can be downloaded prior to the user determining what type of usage is desired. In *Schulhof*, the user must select the type of usage prior to downloading the content.

Thus, based on this distinction, as well as other aspects, the applicant submits that claims 1, 10, 26, 27 and 28 are in condition for allowance. These claims have been amended to more

Attorney Docket Number 13001.1010

clearly indicate that the unrestricted selection is being made with regards to previously recorded selections. In addition, the applicant respectfully submits that new claim 31, which also includes this limitation, is also allowable. The applicant has canceled claim 30 with out prejudice.

Paragraph 3 does not require a response.

In paragraph 4, the Office has rejected claims 22, 24, 25 and 28-30 under 35 U.S.C § 103(a) as being unpatentable over by U.S. Patent Number 5,572,442 to *Schulhof et al.* The applicants submit the following argument in the traversal of this rejection. However, applicant submits that these claims, as well as claims 2-9, 11-25 and 30 all depend either directly, or indirectly from an allowable claim and thus, are also allowable.

Conclusion

The applicant respectfully submits that each and every issue raised by the Office has been addressed and that this case is in condition for allowance. If the Office has any questions regarding these claims or this response, the Office can call the applicant's attorney, Gregory Smith at (770) 804-9070.

Respectfully submitted,

By: 

Gregory Scott Smith
Reg. No. 40,819
Attorney for Applicant

LAVA Group Law by Smith & Frohwein
Gregory Scott Smith
PO Box 88148
Atlanta, Georgia 30356
(770) 804-9070
December 31, 2003

PTO/SB/22 (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional) 05001.1012

In re Application of HUNTER, Charles Eric

Application Number 09/476,078

Filed Dec. 30, 1999

For VIDEO AND MUSIC DISTRIBUTION SYSTEMS

Art Unit 3621

Examiner HEWITT II, Calvin L

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) \$ _____
- ☐ Two months (37 CFR 1.17(a)(2)) \$ _____
- ☒ Three months (37 CFR 1.17(a)(3)) \$ 950.00
- ☐ Four months (37 CFR 1.17(a)(4)) \$ _____
- ☐ Five months (37 CFR 1.17(a)(5)) \$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 475.00☐ A check in the amount of the fee is enclosed.☒ Payment by credit card. Form PTO-2038 is attached.☐ The Director has already been authorized to charge fees in this application to a Deposit Account.☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).☒ attorney or agent of record. Registration Number 40,819☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a) _____

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December 31 2003

Date

(770) 804-9070

Telephone Number

Signature

Gregory Scott Smith

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DEC-30-2003 11:19AM FROM:AMB GROUP, LLC

4044421071

T-832 P.003/003 F-050

020/028

PTO/SB/82 (09-03)

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**REVOCATION OF POWER OF
ATTORNEY WITH
NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	09/476,078
Filing Date	December 30, 1999
First Named Inventor	HUNTER, Charles Eric
Art Unit	3621
Examiner Name	HEWITT II, Calvin L.
Attorney Docket Number	05001.1012 (W71-CIP2)

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number:

35856

☒ Please change the correspondence address for the above-identified application to:☒ The address associated with
Customer Number:

35856

OR

<input type="checkbox"/> Firm or Individual Name				
Address				
Address				
City		State		Zip
Country				
Telephone		Fax		

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/95)**SIGNATURE of Applicant or Assignee of Record**

Name	David E. Hornrich		
Signature	<i>David E. Hornrich</i>		
Date	12/30/03	Telephone	(404) 442-1073

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.38. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DEC-30-2003 11:19AM FROM:AMB GROUP 'C

4044421071

T-832 P.002/003 F-050

PTO/BB/66 (08-03)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: World Theatre, Inc.Application No./Patent No.: 09/476,078 Filed/Issue Date: December 30, 1999Entitled: VIDEO AND MUSIC DISTRIBUTION SYSTEMSWorld Theatre, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:1. From: Charles Eric HUNTER To: World Theatre, Inc.The document was recorded in the United States Patent and Trademark Office at
Reel 010794, Frame 0677, or for which a copy thereof is attached.2. From: World Theatre, Inc. To: Exodus Capital, LLCThe document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3. If the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

12/30/03

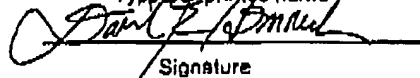
Date

404-442-1073

Telephone number

David E. Homrich

Typed or printed name



Signature

VP, Treasurer and Secretary, Exodus Capital, LLC

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE:)	CHAPTER 11
)	
WORLD THEATRE, INC.)	CASE NO. 03-14217-smb
)	
Debtor.)	
)	

ORDER GRANTING MOTION OF EXODUS CAPITAL LLC FOR
RELIEF FROM THE AUTOMATIC STAY

Upon consideration of the motion (the "Motion") by Exodus Capital LLC ("Exodus") for relief from the automatic stay pursuant to section 362(d) of the Bankruptcy Code in order to exercise its rights and remedies as collateral agent under that certain Amended and Restated Loan Agreement dated February 25, 2002, as amended by the First Amendment to Amended and Restated Loan Agreement dated March 8, 2002 (the "Loan Agreement") and as secured creditor under that certain secured promissory note (the "Secured Note") in the principal amount of \$186,250 issued pursuant to that certain Note Purchase Agreement dated February 14, 2003; and this Court having determined that good cause exists for granting the relief requested in the Motion; and after due deliberation and sufficient cause appearing therefor; it is hereby

to the extent indicated
ORDERED that the Motion is granted; and it is further

SMB
8/26/03

ORDERED that the automatic stay is lifted to permit Exodus to exercise any and all of its rights and remedies as collateral agent under the Loan Agreement including, but not limited to, the foreclosure of the security interests held by it in property of the Debtor or its bankruptcy estate and the discussion of any issues related to any such property with the Debtor's former intellectual property attorneys and former employees notwithstanding the existence of any non-disclosure agreement between the Debtor and any such former employee; and it is further

ORDERED that the automatic stay is lifted to permit Exodus to exercise any and all of its rights and remedies as secured creditor under the Secured Note including, but not limited to, the foreclosure of the security interests held by it in property of the Debtor or its bankruptcy estate; and it is further

ORDERED that Exodus is authorized to take any action that may be necessary to preserve the value of the collateral (the "Collateral") under the Loan Agreement and the Secured Note pending any foreclosure of the Collateral; and it is further

ORDERED that this Order is without prejudice to the right of the debtor-in-possession, a Chapter 7 Trustee that may be subsequently appointed in this bankruptcy case, or any other party in interest to challenge the existence or validity of Exodus' claim or its liens in the Collateral; and it is further

ORDERED that the provisions of Federal Rule of Bankruptcy Procedure 4001(a)(3) shall not apply to this Order or the relief afforded hereby.

Dated: August 26 2003.

/s/ **STUART M. BERNSTEIN**

Honorable Stuart M. Bernstein
United States Bankruptcy Judge

PTO/SB/17 (10-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 475.00)**Complete if Known**

Application Number	09/476,078
Filing Date	December 30, 1999
First Named Inventor	HUNTER, Charles Eric
Examiner Name	HEWITT II, Calvin L
Art Unit	3621
Attorney Docket No.	05001.1012

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number _____

Deposit Account Name _____

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 0.0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims _____ Extra Claims _____ Fee from below _____ Fee Paid _____

Independent Claims _____ - 20** = _____ X _____ = _____

Multiple Dependent Claims _____ - 3** = _____ X _____ = _____

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$ 0.0)

**or number previously paid, if greater; For Reissues, see above


FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(c)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 475.00)**SUBMITTED BY**

Name (Print/Type)	Gregory Scott Smith	Registration No. (Attorney/Agent)	40,819	Telephone	770.804.9070
Signature		Date	December 31, 2003		

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**Fax Call Report**

Job	Date	Time	Type	Identification	Duration	Pages	Result
357	12/31/2003	4:31:11PM	Send	17033057687	8:10	21	OK


LAVA GROUP
ATTORNEYS AT LAW
FACSIMILE TRANSMITTAL

TO	: AMENDMENT	FROM	: Gregory S. Smith
EXAMINER	: HEWITT II, Colvin L.	DATE	: December 31, 2003
FACSIMILE	: (703) 305-7687	NO. OF PAGES (INCLUDING COVER)	: 20
PHONE	: (703) 305-5057	LAVA GROUP FILE #	: 03001.1012
SUBJECT	: Response to Official Action		

This Transmission Includes the Following Items

- ☒ Transmittal Form
- ☒ Response to Official Action Mailed on July 2, 2003
- ☒ Petition for Three Month Extension of Time (2 copies)
- ☒ Fee Transmittal for FY 2004
- ☒ Credit Card Authorization form PTO-2038
- ☒ Revocation and Appointment of Power of Attorney
- ☒ Statement under 37 CFR 3.37(b)
- ☐
- ☐

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 ATLANTA, Georgia 30146-1248

 Telephone: 404 515 9330
 Direct: 770 604 9970
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LAVA GROUP

FACSIMILE TRANSMITTAL

TO	: AMENDMENT	FROM	: Gregory S. Smith
EXAMINER	: HEWITT II, Calvin L	DATE	: December 31, 2003
FACSIMILE	: (703) 305-7687	NO. OF PAGES (INCLUDING COVER):	<u>20</u>
PHONE	: (703) 308-8057	LAVA GROUP FILE #:	<u>05001.1012</u>
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☐☐

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PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

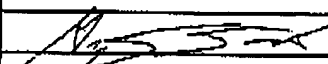
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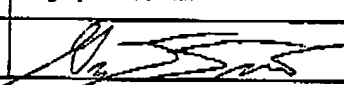
TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/476,078	
	Filing Date	December 30, 1999	
	First Named Inventor	HUNTER, Charles Eric	
	Art Unit	3621	
	Examiner Name	HEWITT II, Calvin L	
Total Number of Pages in This Submission	19	Attorney Docket Number	05001.1012

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	LAVA Group Law by Smith & Frohwein, LLC
Signature	
Date	December 31, 2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Gregory Scott Smith		
Signature		Date	Dec. 31, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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